

NEWS RELEASE

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For Immediate Release

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Ronald J. Tenpas, United States Attorney for the Southern District of Illinois, announced today that on January 9, 2004, **MICHAEL RAY EMERY**, age 47, of Harrisburg, Illinois, was sentenced in United States District Court in Benton, Illinois.

EMERY was sentenced to 5 months imprisonment, 2 years supervised release, was fined \$1,500, and was ordered to pay restitution in the amount of \$3,346. EMERY was ordered to serve his sentence on 75 consecutive weekends.

EMERY had previously pleaded guilty to three (3) counts of a federal indictment in United States District Court in Benton, Illinois. EMERY pleaded guilty to Count 1, which charged that on or about February 1, 2001, EMERY, a foreman at the Big Ridge, Inc. Coal Mine, did knowingly and willfully make a false material statement and representation, in that EMERY prepared a false report concerning how an accident to a coal miner occurred, in violation of Title 18, United States Code, Section 1001, and Title 30 United States Code, Section 813(d).

EMERY pleaded guilty to Count 3, which charged that on or about February 1, 2001, EMERY did knowingly and willfully fail to take appropriate measures to prevent the destruction of evidence of an accident to a coal miner in violation of Title 30, United States Code, Sections 802(k), 813(j), 820(c), and (d).

EMERY pleaded guilty to Count 4, which charged that on or about February 1, 2001, EMERY did knowingly and willfully violate a mandatory safety standard in violation of Title 30, United States Code, Section 820(c) and Title 30, Code of Federal Regulations, Section 75.202(b).

The evidence showed that on February 1, 2001, at Big Ridge Mine Portal #2, during a shift in which Defendant MICHAEL EMERY was in charge as the foreman, a machine called a continuous miner broke down. In an attempt to fix the continuous miner, Defendant MICHAEL EMERY and two other miners were under the unsupported roof of the coal mine.

While out under the unsupported roof attempting to fix the continuous miner, a large rock fell onto a coal miner's head. The coal miner was bleeding severely from the head and he was taken from the coal mine to a local hospital.

After the miner had been taken out of the area where the accident occurred, Defendant MICHAEL EMERY destroyed evidence of the accident by using a sledgehammer to smash the large rock that fell onto the miner's head into smaller pieces of rock. Defendant MICHAEL EMERY then further destroyed evidence of the accident and injury to the coal miner by sending the rock which caused the injury out of the mine.

Defendant MICHAEL EMERY then prepared a report concerning the accident to the miner which contained false information about how the accident to the coal miner occurred and who witnessed the accident to the coal miner.

The investigation into this case was conducted by Special Investigators of the Mine Safety and Health Administration.

The case is being prosecuted by Assistant United States Attorney George A. Norwood.